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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,618	09/18/2003	Bun-Yeoul Lee	MUTU11.00CPI	1209
20995	7590	10/15/2004	EXAMINER	PASTERCZYK, JAMES W
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			ART UNIT	PAPER NUMBER
			1755	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/666,618	LEE ET AL.
	Examiner J. Pasterczyk	Art Unit 1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 July 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4-10 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-10 and 15-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. 09/526,035.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/2/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

1. This Office action is in response to the amendment filed 7/29/04 and the IDS received 4/2/04 and refers to the Office action mailed 4/26/04.

2. The drawings are objected to because those newly submitted are even less distinct than those originally filed. The best solution to this problem would have been to submit photomicrographs taken with lighting from above the subject instead of backlighting; in the absence of that, resubmission of the originally filed photographs may have to suffice. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The specification should be amended to reflect the correct surface structure of silica as now claimed. Since this is a conventionally-known fact, no new matter would be seen.

4. The 35 USC 112, first paragraph rejection is withdrawn as are the bulk of the second paragraph rejections and the prior art rejections using Lee I and Antberg. However, c.f. below for new formal rejections and prior art rejections necessitated by amendment.

5. Claims 7, 15 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, last line of the clause defining Q, there appears to be missing language since the last “wherein” clause seems like a fragment.

In claim 15, two lines following formula 2, delete “comprises a hydrogen atom, and wherein the hydrogen atom” as rendered unnecessary by the following language stating that these groups are substituted. In the clause defining J, last line, the alkylidene group cannot have just one carbon atom in it since it requires an unsaturated C-C bond. In the structure of formula 6, make the “6” off farther to the right and level with the long chain to make it clear that it is a formula number and not e.g. a subscript. In the line following this structure delete the comma and insert --an-- before “oxygen”.

Claim 20 has the same problems as claim 15 with the exception of the --an-- problem in the last sentence of the above paragraph.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 4-10 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over any of Lee II, McNally, Sancho Royo, or Hidalgo Llinas as cited in the previous Office action.

Lee II discloses the invention substantially as claimed (abstract; structures on p. 9-2, 9-3, 9-7, 9-8). McNally also discloses the invention substantially as claimed (figures 1 and 2, structures with terminal methoxy groups; col. 4, l. 47-58), as does Sancho Royo (abstract; col. 3, l. 15-28; examples) and Hidalgo Llinas (paragraph 0012; formulas of pp. 2-17).

None of these primary references explicitly discloses that the silica support has been dehydroxylated or that the surface species of the silica support after reaction with the transition metal compound is an alkoxy wherein the alkoxy group comes from the transition metal compound by cleavage of an O-A' bond.

However, given the identities of the side groups on the various transition metal compounds of the primary references it would have been reasonable to expect that such surface species would have been formed from silica having its surface hydroxyl groups converted to bridging Si-O-Si groups by dehydration.

It would have been obvious to one of ordinary skill in the art to apply that skill to the disclosures of any of the primary references with the expected benefit of the catalyst formed being covalently bonded to the silica surface without interfering with the transition metal reactive site for olefin polymerization.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Pasterczyk whose telephone number is 571-272-1375. The examiner can normally be reached on M-F from 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached at 571-272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. Pasterczyk

AU 1755

10/13/04



Mark L. Bell  
Supervisory Patent Examiner  
Technology Center 1700